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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
 Liability Litigation

No. MD-15-02641-PHX-DGC

**MOTION TO SEAL DOCUMENTS
 LODGED BY DEFENDANTS**

CAROL KRUSE, an individual,
 Plaintiff,

v.

C.R. BARD, INC., a New Jersey
 corporation and BARD PERIPHERAL
 VASCULAR, an Arizona corporation,
 Defendants.

In accordance with Section 25 of the Stipulated Protective Order [Doc. 269], Plaintiff Carol Kruse moves this Court to seal the documents that Defendants C.R. Bard, Inc. and Bard Peripheral Vascular (collectively “Bard”) lodged pursuant to the Notice of Lodging Under Seal Bard’s Motion for Summary Judgment as to Plaintiff Carol Kruse’s Claims [Doc. 7346] and Notice of Lodging Under Seal Certain Exhibits in Support of Bard’s Motion for Summary Judgment as to Plaintiff Carol Kruse’s Claims [Doc. 7349] (collectively “Notices”). As Bard admits in its Notices, the information and materials it has lodged “contain Plaintiff’s personal healthcare information that is protected under

1 HIPAA and confidential under the Stipulated Protective Order.” Notice at 1. Indeed,
2 there is no dispute regarding the need to file the lodged documents under seal.

3 The information that Bard has lodged with its Notices all relates to Plaintiff’s
4 personal healthcare, treatment, and medical records. Such information is clearly protected
5 under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996
6 (“HIPAA”), 45 C.F.R. § 160, 164(A) & (E). And, the knowing disclosure of such
7 information is prohibited by 42 U.S.C. § 1320d-6. Again, there is no dispute as to the
8 protected nature of the information – Bard admits that in its Notices. And, this Court has
9 already granted the filing under seal of the same (or similar) information when the parties
10 submitted their respective bellwether submissions. [See Doc. 4366.]

11 Accordingly, Plaintiff requests that the Court order the information and documents
12 lodged with Bard’s Notices at docket numbers 7346 and 7349 be filed under seal.

13 RESPECTFULLY SUBMITTED this 12th day of September 2017.

14 GALLAGHER & KENNEDY, P.A.

15 By: /s/ Paul L. Stoller

16 Mark S. O’Connor

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26 CERTIFICATE OF SERVICE

27 I hereby certify that on this 12th day of September, 2017, I electronically
28 transmitted the attached document to the Clerk’s Office using the CM/ECF System for
filing and transmittal of a Notice of Electronic Filing.

/s/ Deborah Yanazzo